

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name, that I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention, design or discovery entitled TUNABLE CHANNEL SPACING FOR WAVELENGTH DIVISION MULTIPLEXING (WDM) TRANSPORT SYSTEM, the specification of which

  X   is attached hereto; or

           was filed on            as Application Serial No.            and was amended on            (if applicable);

that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; and that I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Number</u>	<u>Country</u>	<u>Date Filed</u>	<u>Priority Claimed (Yes) (No)</u>
-----NONE-----			

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial Number</u>	<u>Date Filed</u>	<u>Status</u>
09/633,005	August 4, 2000	Pending

DAL01:621570.1

I hereby appoint:

Frederick R. Jorgenson	Reg. No. 38,196
of Fujitsu Network Communications, Inc. and	
Jerry W. Mills	Reg. No. 23,005
Robert M. Chiaviello	Reg. No. 32,461
Ann C. Livingston	Reg. No. 32,479
Kevin J. Meek	Reg. No. 33,738
Scott F. Partridge	Reg. No. 28,142
Harold E. Meier	Reg. No. 22,428
Thomas R. Nesbitt, Jr.	Reg. No. 22,075
James J. Maune	Reg. No. 26,946
Charles S. Fish	Reg. No. 35,870
Thomas R. Felger	Reg. No. 28,842
T. Murray Smith	Reg. No. 30,222
Richard J. Moura	Reg. No. 34,883
James B. Arpin	Reg. No. 33,470
Jay B. Johnson	Reg. No. 38,193
Barton E. Showalter	Reg. No. 38,302
David G. Wille	Reg. No. 38,363
Terry J. Stalford	Reg. No. 39,522
Bradley P. Williams	Reg. No. 40,227
Robert W. Holland	Reg. No. 40,020
Christopher W. Kennerly	Reg. No. 40,675
Douglas M. Kubehl	Reg. No. 41,915
David M. Doyle	Reg. No. 43,596
Tara D. Knapp	Reg. No. 43,723
Brian W. Oaks	Reg. No. 44,981
Luke K. Pedersen	Reg. No. 45,003
William R. Borchers	Reg. No. 44,549
Matthew B. Talpis	Reg. No. 45,142
Jeffery D. Baxter	Reg. No. 45,560
Keiko Ichiye	Reg. No. 45,460
Thomas A. Beaton	Reg. No. 46,543
Kurt M. Pankratz	Reg. No. 46,977
Brian E. Szymczak	Reg. No. 47,120
Thomas J. Frame	Reg. No. 47,232
Chad C. Walters	Reg. No. 48,022
Michael R. Barré	Reg. No. 44,023
Scott F. Wendorf	Reg. No. 48,029
Paula D. Heyman	Reg. No. P48,363
Adam L. Stroud	Reg. No. P48,410
Travis W. Thomas	Reg. No. P48,667
Patent Agents:	
Brian A. Dietzel	Reg. No. 44,656

all of the firm of Baker Botts L.L.P., my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and to file and prosecute any international patent applications filed thereon before any international authorities under the Patent Cooperation Treaty.

Send Correspondence To:

Baker Botts L.L.P.  
2001 Ross Avenue  
Dallas, Texas 75201-2980

Direct Telephone Calls To:

Terry J. Stalford  
at 214.953.6477  
Attorney Docket No. 064731.0206

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole inventor

David G. Way

Inventor's signature

Date

Residence (City, County, State)

Garland, Dallas County, Texas

Citizenship

United States of America

Post Office Address

6518 O'Malley Court  
Garland, Texas 75044